



U.S. Department of Justice

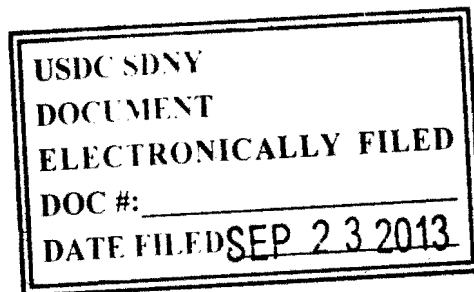
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September 20, 2013

BY EMAIL (ForrestNYSDChambers@nysd.uscourts.gov)

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1950
New York, New York 10007



**Re: In Re: 650 Fifth Avenue and Related Properties,
08 Civ. 10934 (KBF)**

Dear Judge Forrest:

The Government respectfully submits this letter in response to the Court's endorsed Orders of September 11, 2013 and September 13, 2013. (ECF D.E. 840 and 863, respectively).

The Government has reviewed the Court's Opinion and Order granting the Government's Motion for Summary Judgment. 09/16/2013 Opinion & Order (ECF D.E. 865) ("Summary Judgment Order"). The Court's Summary Judgment Order denied the Alavi Foundation's and 650 Fifth Avenue Company's Rule 37 Motion for an adverse inference instruction (ECF D.E. 811) as moot. *Id.* at 81 n.40. In light of the Court's Summary Judgment Order, the Government respectfully requests permission to withdraw its letter motion to compel as moot. See 09/09/2013 Letter to Hon. Katherine B. Forrest from Carolina A. Fornos (ECF D.E. 829).

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

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cc: Counsel of Record (via e-mail)

So ordered.

The Clerk of Court shall
terminate the letter-motion
at ECF No. 829.

9/23/13 B. Fornos
 USDJ